

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MATHIAS EL TRIBE,

Plaintiff,

v.

ATTORNEY GENERAL,

Defendant.

Case No. 1:24-cv-00090-KES-CDB

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS TO DISMISS
PLAINTIFF'S COMPLAINT WITH
PREJUDICE AND WITHOUT LEAVE TO
AMEND

(Doc. 6)

Mathias El, proceeding pro se as representative of plaintiff "Mathias El Tribe," initiated this action against the Attorney General ("defendant") on January 19, 2024.¹ Doc. 1. On February 23, 2024, plaintiff filed a motion to correct record and status under the Foreign Sovereign Immunities Act ("FSIA"). Doc. 5.

Following screening of plaintiff's complaint, on March 12, 2024, the assigned magistrate judge issued findings and recommendations to dismiss the complaint with prejudice and without leave to amend. Doc. 6. The assigned magistrate judge found plaintiff identified no injury in fact and instead asked the court to issue an advisory opinion as to his "tribe's" status under several federal statutes. *Id.* at 4. Additionally, the assigned magistrate judge determined this Court was

¹ The issue of an individual without a bar certification representing something or someone other than himself in court proceedings is rendered moot by this order.

1 not the appropriate forum to determine the “prospect of gaining recognition as an Indian tribe,”
2 noting that the U.S. Department of the Interior was delegated authority by Congress to determine
3 tribal recognition. *Id.*

4 On March 20, 2024, plaintiff filed a letter attempting to further explain that the action
5 plaintiff was attempting to achieve was not an adversarial proceeding against defendant. Doc. 8
6 at 1. The letter does not acknowledge the magistrate judge’s findings and recommendations or
7 otherwise address the issue with plaintiff’s lack of injury in fact. Instead, plaintiff repeated this
8 was a request for an advisory opinion, but that plaintiff would now attempt to find the sought
9 after recognition from other channels. *See id.* at 2. The court interprets this as a non-opposition
10 to the findings and recommendations.

11 Pursuant to 28 U.S.C. § 636(b)(1), and Local Rule 304, the court conducted a de novo
12 review of this case. Having carefully reviewed the file, the court concludes the findings and
13 recommendations are supported by the record and by proper analysis.

14 Accordingly, the Court ORDERS:

- 15 1. The findings and recommendations issued March 12, 2024, Doc. 6, are adopted in
16 full.
- 17 2. This case is DISMISSED with prejudice and without leave to amend.
- 18 3. Plaintiff’s motion for e-filing access, Doc. 3, and motion to correct record and
19 status under FSIA, Doc. 5, are DENIED AS MOOT.
- 20 4. The Clerk of Court is directed to close this case.

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23 IT IS SO ORDERED.

24 Dated: September 30, 2024



UNITED STATES DISTRICT JUDGE